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### REMARKS

Claims 1-14 are pending in the current application. The Examiner rejected Claims 6 and 8-10 and objected to Claim 7. Claims 1-5 and 11-14 are allowed.

#### Claim Amendments

Claim 6 has been amended to correct a minor clerical error.

#### Drawings

Responsive to the Examiner's objection to the drawings, Applicant has amended Figures 2 and 6 to correct omitted reference characters and to better illustrate opening 114.

#### Claim Rejections – 35 U.S.C. §102(b)

The Examiner rejected Independent Claim 6 and Claims 8-10 depending therefrom under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,050,794 (hereinafter "Noburu '794"). Noburu '794 discloses an oil reservoir chamber 1A and a second chamber 1B which are partitioned by journal member 7. Noburu '794 further discloses that the oil communication between chambers 1A and 1B occurs through pipe 44B that leads to passage 44D, which is internal to journal member 7, wherein the oil exits journal member 7 into chamber 1A through outlet 43b. Norburu '794 also discloses that the level of the oil collected in second chamber 1B is lower than the level of oil collected in oil reservoir chamber 1A.

Claim 6 of the present application calls for, inter alia, a bearing support secured within a housing, the bearing support including a radially inner shaft support member, a radially outer support member, and a plurality of support *arms* extending between the inner and outer support members. Claim 6 also calls for the outer support member having a radially outer surface wherein a substantial portion of the radially outer surface is engaged with the housing, the radially outer surface and the housing defining a first *gap* therebetween proximate a lowermost portion of the outer support member and wherein the lowermost portion is positioned within an oil sump.

Applicant respectfully submits that Noburu '794 does not disclose or suggest a gap between the bearing support and the housing wherein the lowermost portion of the bearing support is positioned within an oil sump or reservoir. On the contrary, Noburu '794 discloses that journal member 7 partitions chambers 1A and 1B wherein *the level of oil in each chamber may be different* as discussed beginning on column 5 line 32 and illustrated in Figure 1. Thus, in order for the oil levels in chambers 1A and 1B to be different, a gap

cannot exist between housing 1 and the lowermost portion of journal member 7 as such a gap would allow the oil levels in chambers 1A and 1B to equalize. Further, Noburu '794 does not disclose support *arms* between the inner and outer support members. In order for the oil level in chambers 1A and 1B to be different as discussed above, journal member 7 cannot have arms as the gaps between these arms would allow the oil levels in chambers 1A and 1B to equalize. Further, Figure 1 of Noburu '794 discloses journal member 7 as having a solid cross section retaining a higher level of oil in chamber 1A.

Additionally, Claim 6 has been amended to clarify that oil flows through the gap *between* the radially outer surface of the outer support member and the housing. Noburu '794 does not disclose this; on the contrary, it discloses that oil is drawn between chambers 1A and 1B through pipe 44B and passage 44D wherein oil is drawn through passage 44D inside journal member 7 by oil pump 42 before entering chamber 1A. Oil pump 42 is required in order to suck the oil from chamber 1B into chamber 1A in order to keep the oil within chamber 1B from inhibiting rotor 12. Thus, Noburu '794 does not disclose or suggest a gap whereby oil may flow through the gap between the radially outer surface of an outer support member and a housing.

For at least the reasons advanced above, Applicant respectfully submits that Independent Claim 6 is not anticipated by Noburu '794. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. §102(b) rejection of Claim 6 and Claims 8-10 depending therefrom.

**Allowable Subject Matter**

Applicant appreciates the indication of allowable subject matter in Claim 7. In view of the arguments advanced above, Applicant respectfully submits that Claim 7 is in condition for allowance with Independent Claim 6 from which it depends. Applicant appreciates the allowance of Claims 1-5 and 11-14.

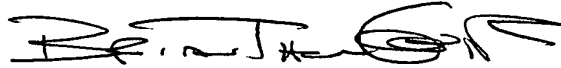
It is believed that the above represents a complete response to the Office Action and reconsideration is requested. Specifically, Applicant respectfully submits that the application is in condition for allowance and such action is earnestly solicited.

In the event Applicant have overlooked the need for an extension of time or payment of fee, Applicant hereby petitions therefor and authorizes that any charges be made to Deposit Account No. 02-0385, BAKER & DANIELS.

Application No. 10/657,653  
Amendment dated June 15, 2004  
Reply to Office Action dated March 16, 2004

It is requested that the Examiner telephone the undersigned at 260-424-8000 if such would be of assistance in expediting prosecution of the application.

Respectfully submitted,



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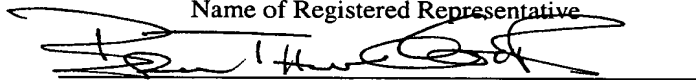
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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: June 15, 2004

BRIAN THOMAS GEISLER, REG. NO. 54,115

Name of Registered Representative



Signature

June 15, 2004

Date

